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PATENT

IBM/203  
Confirmation No. 2792**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Curtis Shannon Eide et al.	Art Unit:	2114
Serial No.:	10/002,232	Examiner:	Bryce P. Bonzo
Filed:	November 2, 2001	Atty. Docket No.:	IBM/203
For:	SWITCHABLE RESOURCE MANAGEMENT IN CLUSTERED COMPUTER SYSTEM		

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**AMENDMENT AND RESPONSE**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated July 6, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 8 of this paper.

Page 1 of 13  
Serial No. 10/002,232  
Amendment and Response dated October 5, 2004  
Reply to Office Action of July 6, 2004  
IBM Docket ROC920010167US1  
WH&E IBM/203  
K:\ibm\203\Amendment and Response to 7-6-04 OA.wpd

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Att'y Docket No. IBM/203/124

Confirmation No. 2792**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (16 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Bryce P. Bonzo, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on October 5, 2004.

*Judith L. Volk*  
Judith L. Volk

*October 5, 2004*  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Curtis Shannon Eide et al. Art Unit: 2114  
Serial No.: 10/002,232 Examiner: Bryce P. Bonzo  
Filed : November 2, 2001  
For : SWITCHABLE RESOURCE MANAGEMENT IN CLUSTERED COMPUTER SYSTEM

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	28	minus	29	0	\$18	\$0.00
Independent Claims	8	minus	4	4	\$88	\$352.00
MULTIPLE DEPENDENT CLAIM FEE					\$300	\$0.00
TOTAL FEE FOR CLAIMS:						\$352.00

- ☐ No additional fee for claims is required.

Page 1 of 2  
Serial No. 10/002,232  
Transmittal for Amendment of October 5, 2004  
IBM Docket: ROC920010167US1  
WH&E IBM/203

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☒ Please charge my Deposit Account No. 23-3000 in the amount of \$352.00.
5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 430.00	\$ 215.00
<input type="checkbox"/>	three months	\$ 980.00	\$ 490.00
<input type="checkbox"/>	four months	\$1,530.00	\$ 765.00
<input type="checkbox"/>	five months	\$2,080.00	\$1,045.00

Extension fee due with this request:

\$ \_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

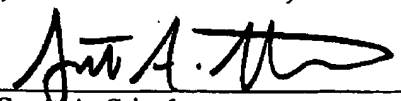
(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

  
Scott A. Stinebruner  
Reg. No. 38,323

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Cincinnati, Ohio 45202-2917  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

**Enclosed:**

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)  
Transmittal containing Certificate of Facsimile Transmission and Authorization to Charge Deposit  
Account 23-3000 in the amount of \$352.00 for Additional Independent Claims Fees (2 pages)  
Amendment and Response (13 pages)

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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1938-1971

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October 5, 2004

## FACSIMILE COVER SHEET

To: Examiner Bryce P. Bonzo  
Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 703-872-9306

### Enclosures:

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to Charge Deposit Account 23-3000 in the  
amount of \$352.00 for Additional  
Independent Claims Fees (2 pages)  
Amendment and Response (13 pages)

From: Scott A. Stinebruner  
Reg. No. 38,323

Re: U.S. Patent Application  
Serial No. 10/002,232  
Filed: November 2, 2001  
Applicant: Curtis Shannon Eide et al.  
Art Unit: 2114  
Confirmation No.: 2792  
Our Ref: IBM/203

Pages: 16 (including cover sheet)

## MESSAGE/COMMENTS OFFICIAL

### CERTIFICATE OF FACSIMILE TRANSMISSION

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*Judith L. Volk*  
Judith L. Volk

*October 5, 2004*  
Date

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